

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA

Don Survi Chisolm, #347831,

Plaintiff,

v.

Warden Tonya James, Associate  
Warden Smith, Lt. Jessica Sievert,  
Unnamed Grievance Coordinator  
#051256, Mr. Williams, *DHO*, Mrs.  
Huff, *DHO*, Warden Palmer,

Defendants.

Civil Action No. 4:24-cv-6018-BHH

**ORDER**

This matter is before the Court upon Plaintiff Don Survi Chisolm's ("Plaintiff") pro se complaint filed pursuant to 42 U.S.C. § 1983. In accordance with 28 U.S.C. § 636(b) and Local Civil Rule 73.02(B)(2)(d), D.S.C., the matter was referred to a United States Magistrate Judge for preliminary review.

On October 25, 2024, the Magistrate Judge issued an order informing Plaintiff of certain deficiencies in his complaint and giving him the opportunity to file an amended complaint. Despite the Magistrate Judge's warning that the bulk of Plaintiff's complaint may be subject to summary dismissal, Plaintiff did not file an amended complaint. Accordingly, on December 12, 2024, the Magistrate Judge issued a report and recommendation ("Report") outlining the issues and recommending that the Court partially dismiss the complaint in this case. (ECF No. 13.) Specifically, the Magistrate Judge recommends that the Court dismiss with prejudice Defendants James, Smith, Sievert, Unnamed Grievance Coordinator, Williams, and Huff, and all claims except those regarding religious texts. (*Id.*) Attached to the Magistrate Judge's Report was a notice advising Plaintiff of the right to file

written objections to the Report within fourteen days of being served with a copy. To date, no objections have been filed.

The Magistrate Judge makes only a recommendation to the Court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the Court. *Mathews v. Weber*, 423 U.S. 261 (1976). The Court is charged with making a *de novo* determination only of those portions of the Report to which specific objections are made, and the Court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge, or recommit the matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b)(1). In the absence of specific objections, the Court reviews the matter only for clear error. *See Diamond v. Colonial Life & Accident Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (stating that “in the absence of a timely filed objection, a district court need not conduct a *de novo* review, but instead must ‘only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.’”) (quoting Fed. R. Civ. P. 72 advisory committee’s note).

Here, because no objections to the Report have been filed, the Court has reviewed the record, the applicable law, and the findings and recommendations of the Magistrate Judge for clear error. After review, the Court finds no clear error and agrees with the Magistrate Judge’s analysis. **Accordingly, the Court adopts and incorporates the Magistrate Judge’s Report (ECF No. 13), and Defendants James, Smith, Sievert, Unnamed Grievance Coordinator, Williams, and Huff, and all claims except those regarding religious texts, are summarily dismissed with prejudice and without issuance and service of process. Service has been authorized on the remaining**

**Defendant Palmer.**

**IT IS SO ORDERED.**

/s/Bruce H. Hendricks

United States District Judge

January 10, 2025  
Charleston, South Carolina